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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION

I, Alexandra Johnson, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am one of the named-Plaintiffs, and proposed class representatives in this case. I make this declaration in support of Plaintiffs' motion for class certification.
3. I have been informed of the responsibilities of a class representative.
4. In general terms, I understand the claims in the case.

5. I attended protests between May and November 2020 in support of the Black Lives Matter movement. I estimate I attended 45 to 65 protests during this period. The first protest I attended in the wake of George Floyd's murder by police was on May 31, 2020.
6. I am concerned about the City's pattern and practice of harming police accountability protesters.
7. I am able and willing to serve as a class representative.
8. If appointed, I will stay informed and actively participate in the case. I will keep in contact with my lawyers. I will put the interests of the class first.
9. I grew up in Oregon and have lived in the Portland-Metro area since 2010.
10. During these protests, I never threw anything at police, I did not light any fires, I did not destroy or damage any property. I did not engage in anything beyond passive resistance.
11. I attended Portland protests against white supremacy and police violence in the wake of the murder of George Floyd by Minneapolis police because Black Lives Matter and I want to make my community safer and more equitable. I believe that my BIPOC friends should not have to fear for their safety and lives when they leave a summer barbecue at my house and go home or when they are doing any other daily activity. I protested because we all deserve something better than our current police structure.
12. I livestreamed events on Facebook through June 2020, and on Twitch after that. I felt it was important to document and share what happened at the protests.
13. Throughout the protests, I consistently observed the Portland Police Bureau (PPB) deploy what I call "flashbangs" at protesters. Flashbangs are explosives that cause a loud, bone-rattling explosion that is disorienting and causes minor temporary hearing loss and has a very bright flash. I understand that PPB may refer to these explosives as "aerial distraction devices" or "RBDDs." Throughout protests I attended, I witnessed PPB officers use over 150 flashbangs.

14. On June 5, I attended a protest outside the Multnomah County Detention Center (MCDC) in downtown Portland, arriving about 11:00 P.M. About ten minutes after I arrived, PPB fired eight tear gas canisters into the area of SW 3rd and Main, blanketing most of Chapman Square in tear gas. PPB fired the canisters from 40 mm launchers and threw some by hand. This was the first time I was ever exposed to tear gas. I ran away from the gas with other protesters. The gas made my throat immediately close up and my nose start to run. The gas got on my hands, burning my face whenever I touched it. I saw a woman and her child walking down the sidewalk covering their eyes and mouths.

15. Protesters panicked because many had never been tear gassed before, and they did not know which way to exit or which way safety was. Protesters regrouped at SW 3rd and Main, chanting and singing for ten minutes before PPB fired another six or seven tear gas canisters, pushing protesters towards Pioneer Square. I was hit in the thigh by a ball from an RBDD around this time. About twenty minutes later, I walked south with other protesters south on SW 4th Avenue. PPB officers on a riot van then unloaded another tear gas canister off of the truck from at least 20 to 30 yards away from protesters.

16. Protesters later continued to SW Madison between 3rd and 4th Avenues, where they stayed and chanted for ten minutes before PPB threw tear gas flashbangs into the group. As I backed away from the group, a tear gas canister hit me in the chest then exploded under my feet, releasing the gas into my nose, eyes, skin, and hair. The canister hit me with enough force that I believe it came from a 40 mm launcher. Protesters panicked and trampled each other. By my count, PPB launched 54 canisters that night.

17. My partner of eight years attended this protest and never attended another one because of the violence and indiscriminate use of force he saw Portland Police officers use on June 5.

18. On June 6, I attended a protest outside the MCDC. I saw PPB officers deploy a flashbang

so close to a protester that it exploded underneath her feet. This appeared to trigger a PTSD episode or panic attack in the protester, who immediately began crying and hyperventilating and lost her hearing. I helped her to the side and down the street and stayed with her for a few moments to calm her.

19. On June 10, I attended a protest outside the MCDC. I witnessed PPB officers shooting FN303s at protesters on the other side of a fence about 50 to 70 feet away, including one munition that exploded against a protester near me. Fragments from the munition hit my face. I was also exposed to several flashbangs that PPB deployed that night.

20. On June 12, I attended a protest outside MCDC, arriving between 10:00 and 10:30 PM. I brought a shield I made out of old cabinet wood to protect myself and others from PPB's indiscriminate shooting and explosions. At around midnight, PPB started deploying flashbangs into the crowd of protesters, who were chanting, singing, drumming, and yelling grievances. Fifteen to twenty PPB officers lined up and pushed protesters north on 4th Avenue. I was 20 to 25 feet away from the police line when officers yelled, "Move!" I turned to move in the direction the police were moving, but very quickly, two PPB officers then tackled me to the ground from behind and hit me in the back of the legs twice with a baton.

21. On June 27, I attended a protest outside MCDC. Police pushed protesters several blocks away, and PPB shot me with an FN303 projectile somewhere north of 6th and Main. The munition hit me in the outside of the left thigh, leaving powder on my pants and an apple-sized bruise that lasted two weeks. I also felt ricochets of FN 303 projectiles used against other protesters and witnessed protesters hit in the face with batons and OC sprayed.

22. That night, I also witnessed a PPB officer wrench a protester away from a group that was standing still, spray the protester directly in the face with OC spray, and tackle them to the ground. Shortly after that, a flashbang exploded in the middle of the crowd, beneath my feet. I

also saw a PPB officer strike a protester in the face with a baton. At one point, I saw a young Black man walking backward with his hands up when a PPB officer sprayed him directly in the face with OC spray.

23. Through that night, I saw officers use their batons to knock down protesters, shoot them with impact munitions while they were on the ground, but make no attempt to arrest them.

24. On July 4, I attended a protest at MCDC, arriving around 8:30 PM. A law enforcement agency shot tear gas into Chapman Square and Lownsdale Square, forcing protesters to 6th Avenue. PPB then used tear gas on protesters at 6th Avenue. PPB then chased protesters several blocks and deployed tear gas again near 2nd Avenue. I counted PPB using 10 to 12 canisters of tear gas, both hand-tossed and with 40 mm launchers.

25. On August 1, I attended a protest at the Penumbra Kelly Building. At one point, as PPB officer herded protesters down the street, I saw an officer sprint out of the police line, grab a protester from behind, turn them around, spray them directly in the face with OC spray, and throw them to the ground without arresting them. When I went over to help the protester, another PPB officer shoved me to the ground.

26. On August 7, during a protest at the Penumbra Kelly building, I witnessed a PPB officer drag a protester from the sidewalk into the street and spray them directly in the face for five seconds or more.

27. On August 8, I attended a protest at Kenton Park in North Portland. PPB officers arrived at the park to warn protesters not to march to the PPA building. As they left, the PPB officers threw several flashbangs from their van. One flashbang exploded under my feet.

28. On August 9, I attended a protest at the PPA building. PPB officers deployed several flashbangs, including more than one that exploded under my feet.

29. On August 12, I attended a protest outside MCDC, arriving between 8:00 and 9:00 PM.

That evening, I witnessed PPB Officer Brent Taylor OC spray someone after PPB had tackled them to the ground. I also saw PPB Officer Ariel Livingston OC spray someone who was already on the ground after an officer had punched them in the face for that protester calling them a “short shit.” That night, PPB fired several flashbangs from 40 mm launchers. I was in Chapman Square when PPB deployed tear gas from a 40 mm launcher. Although at that point I was wearing a gas mask, the volume of tear gas still irritated my ears and skin.

30. On August 15, I attended a protest at the Penumbra Kelly Building, arriving after dark. At that protest, PPB deployed smoke and then ran through the smoke and jumped on and tackled any protesters that were on the other side of the smoke. PPB officers chased protesters to SE 41st, throwing flashbangs at protesters all the while. At SE 41st and Ankeny, as I was walking on the sidewalk, an officer grabbed me from behind, threw me to the ground, and jabbed me with the end of his baton.

31. On August 22, I attended a protest at the Penumbra Kelly Building, arriving after dark. At that protest, PPB officers were scattered throughout the neighborhoods and spraying any protester on the sidewalk who came close to them. A PPB officer struck me with a baton from behind, pushing me into another PPB officer. The second officer knocked me down, then grabbed me by the top of my head from behind, wrenching my head back and trying to pull my protective goggles off while simultaneously spraying OC spray directly into the back of my head for two to four seconds. I suffered a strain in my neck from having my head wrenched backward, which lasted several days, and burning in my eyes, mouth, nose, and skin from the OC spray. Police also used several flashbangs that night.

32. On September 5, I attended a protest near Ventura Park in east Portland, arriving at 6:00 or 7:00 PM. The protest inside the park included speeches, food, dancing, singing, and mutual aid activities. Protesters marched to a nearby police precinct, and PPB quickly declared an

unlawful assembly. At that point, I had not seen any violence or objects thrown at officers. Soon after, PPB deployed 20 to 30 tear gas canisters at protesters, both by hand-tossing and with 40 mm launchers.

33. I attended several other protests, with largely the same experience of tear gas, RBDDs, and impact munitions.

34. I would consider going to protests in the future. I believe that there are some things that you have to put yourself at risk for in order to create larger social change. However, all of the police violence that I have witnessed makes me hesitant to interact with police in any way. PPB's use of force will factor into whether I attend future protests on a case by case basis.

35. I estimate there are tens of thousands of people in the First Amendment class, based on my experience going to the protests.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 12, 2022.

Alexandra J Johnson
Alexandra J Johnson (Jan 12, 2022 19:03 PST)
Alexandra Johnson